REMARKS

Claims 21-34 are pending in the application, with claims 21, 22, 31, and 34 being the independent claims. Claims 1-20 were previously canceled. Claims 21, 22, and 34 are currently amended merely to correct informalities, thereby placing the claims in even better condition for allowance. The claim amendments do not add new matter and are not intended to change the scope of the claims. Accordingly, Applicants respectfully request that this Amendment be entered.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 102

In section 2 of the Office Action, claims 21-34 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,217,446 to Sanbongi *et al.* (hereinafter "Sanbongi"). This rejection is respectfully traversed.

Independent claim 21 recites:

> A computer readable storage medium storing a control program for an action game in which a player character is moved in a game space in response to an operation of a game player and in which one character of a plurality of characters moving in the game space is selected to be an attack target, in response to an operation of the game player,
>
> the control program, when executed by a computer, causes said computer to:
>
> set a first distance and a second distance which is above the first distance as a distance of said one character from a predetermined base point to memorize the first distance and the second distance in a memory;
>
> memorize respective distances of said plurality of characters from said predetermined base point before a predetermined time from present time in said memory;
>
> judge each of said plurality of characters as to whether or not it is a selectable candidate object based upon a content of said memory

10

and whether its distance before said predetermined time is below said first distance and additionally its distance at said present time is below said second distance, or whether its distance at said present time is below said first distance;

decide an order of selecting those of said judged plurality of selectable candidate objects based upon those distances at said present time of said plurality of selectable candidate objects; and

select, based on the decided selection order, one of said plurality of characters as said attack target and sequentially change said attack target in response to an attack target changing operation by the game player.

Sanbongi describes a device for proceeding a game in correspondence with the game scores. A viewpoint is arranged inside a three-dimensional virtual space. A plurality of movement courses of the viewpoint branch off from a certain scene in the three-dimensional virtual space. A movement course corresponding to the game score is selected from among the plurality of viewpoint movement courses. The viewpoint moves along the selected viewpoint movement course. Sanbongi, abstract.

The Office Action relies upon Sanbongi's Figure 7 and RAM 103 (Figure 1), described in Col. 6, lines 3-7 of Sanbongi, to allegedly teach that a control program, when executed by a computer, causes a computer to *memorize respective distances of said plurality of characters from said predetermined base point before a predetermined time from present time in said memory*, as set forth in independent claim 21. For example, the Office Action contends that RAM 103 continuously stores distances of enemy characters E1, E2, etc. relative to the game character. Office Action, p. 3. However, upon inspection, nothing in the cited material or any other portion of Sanbongi teaches that the distances of the enemy characters are memorized *before a predetermined time from present time in said memory*, as suggested in the Office Action. In fact, the Office Action states that the distances are *continuously* stored in the RAM 103, which supports Applicants' position that the alleged predetermined time is not even contemplated by Sanbongi. For at least this reason, Sanbongi fails to disclose that a control program, when executed by a computer, causes a

11

computer to *memorize respective distances of said plurality of characters from said predetermined base point before a predetermined time from present time in said memory*, as set forth in claim 21.
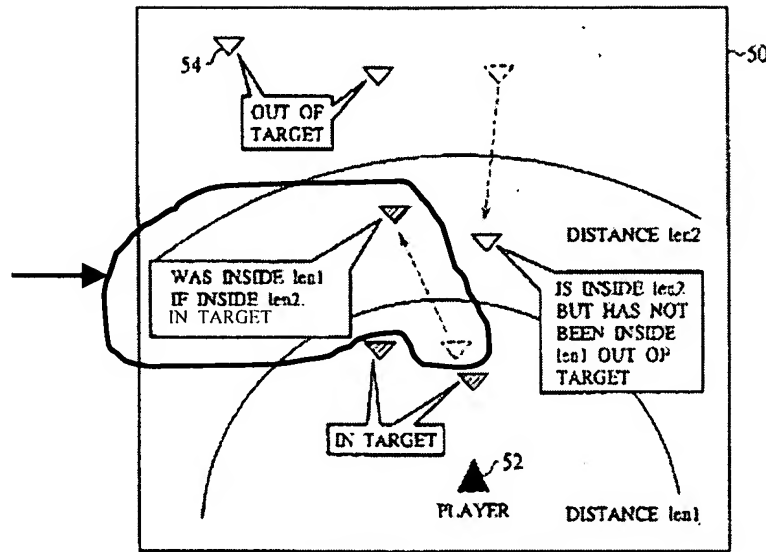
The Office Action relies upon Sanbongi's ROMs 102, 109, and 111 (Figure 1), described in Col. 6, lines 20-30 of Sanbongi, to allegedly teach that a control program, when executed by a computer, causes a computer to *judge each of said plurality of characters as to whether or not it is a selectable candidate object based upon a content of said memory and whether its distance before said predetermined time is below said first distance and additionally its distance at said present time is below said second distance, or whether its distance at said present time is below said first distance*, as set forth in independent claim 21. For example, the Office Action contends that ROM 111 determines which characters are "enemies", subject to being attacked by the player. Office Action, p. 3. The Office Action further contends that landscape data from ROM 109 determines the placement of enemy characters and, based on their locations, determines whether they are subject to be attacked by the player. Office Action, p. 4. However, the Office Action's contentions are not supported by the disclosure in Sanbongi. For instance, ROM 102 merely stores predetermined programs. Sanbongi, Col. 5, lines 66-67. ROM 109 is a topographical data ROM that stores landscape data for the camera to move within the virtual space in accordance with the game story. Sanbongi, Col. 7, lines 5-7. ROM 111 stores polygon data with regard to the shapes constituting the screen, such as buildings, walls, halls, interior, landscape, background, characters, etc. Sanbongi, Col. 6, lines 53-58; Col. 7, lines 8-10. The CPU 101 reads the game story proceedings based on the program installed inside ROM 102, the landscape data from ROM 109, or the shape data from ROM 111. Sanbongi, Col. 6, lines 20-24.

Applicants note that the area where the shooting is performed is classified into three zones, including an attacking zone, a waiting zone, and an appearing zone. Each zone is classified according to the distance from the camera location. The number of enemies in the waiting and attacking zones are limited to a fixed number in accordance with the difficulty grade of the game scene, but the number of enemies in the appearing zone is not particularly limited. Sanbongi, Col. 9, lines 18-30. Thus, enemy characters wait outside the respective waiting and attacking zones until a vacancy occurs in the respective zones. Sanbongi, Col. 9, lines 31-55. However, nothing in the

12

cited material or any other portion of Sanbongi teaches that each of the enemy characters is judged as to whether or not it is a selectable candidate object based upon its distance, as suggested in the Office Action. To the contrary, although the number of enemy characters allowed to attack the player may be limited in accordance with the difficulty grade of the game scene, it appears that each of the enemy characters is selectable by the player, regardless of its distance from the player. Thus, it does not appear that the enemy characters are judged as to whether they are selectable candidate objects at all.

Moreover, the judging step of independent claim 21 is *based upon a content of said memory and whether its distance before said predetermined time is below said first distance and additionally its distance at said present time is below said second distance, or whether its distance at said present time is below said first distance*, which Sanbongi fails to teach. As explained in the specification of the present application, a candidate whose distance is below len1 is qualified for the selection, and a candidate whose distance is above len1 is not qualified for the selection. However, as shown in FIG. 5, among the candidates whose distances are in the range above len1 but below len2 (>len1), those whose distances were below len1 before a prescribed period of time are qualified for the selection, and the others whose distances were not below len1 are not qualified for the selection. Present application, p. 15, lines 17-26; Figure 5.

As shown in the annotated copy of FIG. 5, reproduced below, a candidate whose distance is in the range of above len1 but below len2 (>len1), and whose distance was below len1 before a prescribed period of time, is encircled for purposes of explanation. The encircled candidate is qualified for the selection.

13

Sanbongi, on the other hand, merely discloses that the area where the shooting is performed is classified into three zones, including an attacking zone, a waiting zone, and an appearing zone.

For at least these reasons, Applicants assert that Sanbongi fails to teach that a control program, when executed by a computer, causes a computer to *judge each of said plurality of characters as to whether or not it is a selectable candidate object based upon a content of said memory and whether its distance before said predetermined time is below said first distance and additionally its distance at said present time is below said second distance, or whether its distance at said present time is below said first distance*, as set forth in Applicants' claim 21.

The Office Action relies upon Figure 7 of Sanbongi to allegedly teach that a control program, when executed by a computer, causes a computer to *decide an order of selecting those of said judged plurality of selectable candidate objects based upon those distances at said present time of said plurality of selectable candidate objects*, as set forth in independent claim 21. For example, the Office Action contends that when enemy characters are within an angle of 180 degrees of the player and in the attacking zone, they are subject to be attacked. Office Action, p. 4. However, while the number of enemy characters allowed to attack the player may be limited in accordance with the difficulty grade of the game scene, it appears that each of the enemy characters may be

14

attacked by the player, regardless of its distance from the player. Thus, the Office Action's contention cannot stand. Moreover, the game device of Sanbongi does not decide an order. Instead, the enemy characters of Sanbongi are merely required to wait outside the respective waiting and attacking zones until a vacancy occurs in the respective zones. Sanbongi, Col. 9, lines 31-55. Nothing in Sanbongi teaches that the enemy characters in the waiting and appearing zones cannot be attacked by the player, as suggested in the Office Action.

For at least these reasons, Applicants assert that Sanbongi fails to teach that a control program, when executed by a computer, causes a computer to *decide an order of selecting those of said judged plurality of selectable candidate objects based upon those distances at said present time of said plurality of selectable candidate objects*, as set forth in Applicants' claim 21.

Applicants therefore assert that independent claim 21 is distinguishable over Sanbongi. Furthermore, claims 23, 25, 27, 29, and 30, all of which depend from independent claim 21, are also distinguishable over Sanbongi for at least the same reasons as those set forth above with respect to independent claim 21, and further in view of their own respective features.

Independent claim 22 recites:

> A computer readable storage medium storing a control program for an action game in which a player character is moved in a game space in response to an operation of a game player and in which one character of a plurality of characters moving in the game space is selected to be an attack target, in response to an operation of the game player,
>
> the control program, when executed by a computer, causes said computer to:
>
> set a first angle and a second angle which is above the first angle as an angle of said one character from a predetermined base line, whose origin is positioned at said player character and which is extended in a direction where said player character is looking forward to memorize the first angle and the second angle in a memory;

memorize respective angles of said plurality of characters from said predetermined base line before a predetermined time from present time in said memory;

judge each of said plurality of characters as to whether or not it is a selectable candidate object based upon a content of said memory and whether its angle before said predetermined time is below said first angle and additionally its angle at said present time is below said second angle, or whether its angle at said present time is below said first angle;

decide an order of selecting those of said judged plurality of selectable candidate objects based upon those angles at said present time of said plurality of selectable candidate objects; and

select, based on the decided selection order, one of said plurality of characters as said attack target and sequentially change said attack target in response to an attack target changing operation by the game player.

The Office Action relies upon Figure 7 and RAM 103 of Figure 1 as described in Col. 6, lines 3-7 of Sanbongi to allegedly teach that a control program, when executed by a computer, causes a computer to *memorize respective angles of said plurality of characters from said predetermined base line before a predetermined time from present time in said memory*, as set forth in independent claim 22. For example, the Office Action contends that RAM 103 continuously stores data relative to the "gaze point", such as angles of enemy characters E1, E2, etc. relative to the game character. Office Action, p. 3. However, upon inspection, nothing in the cited material or any other portion of Sanbongi teaches that angles of the enemy characters are memorized *before a predetermined time from present time in said memory*, as suggested in the Office Action. In fact, the Office Action states that the angles are *continuously* stored in the RAM 103, which supports Applicants' position that the alleged predetermined time is not even contemplated by Sanbongi. For at least this reason, Sanbongi fails to teach that a control program, when executed by a computer, causes a computer to *memorize respective angles of said plurality of characters from said predetermined base line before a predetermined time from present time in said memory*, as set forth in claim 22.
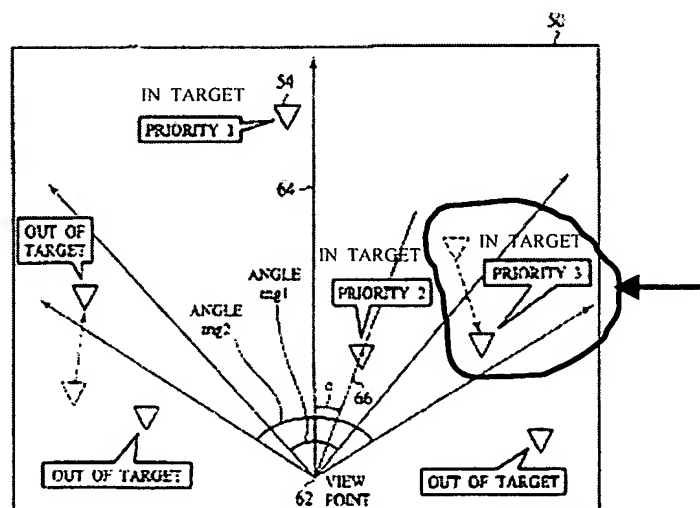
16

The Office Action relies upon ROMs 102, 109, and 111 of Figure 1 as described in Col. 6, lines 20-30 of Sanbongi to allegedly teach that a control program, when executed by a computer, causes a computer to *judge each of said plurality of characters as to whether or not it is a selectable candidate object based upon a content of said memory and whether its angle before said predetermined time is below said first angle and additionally its angle at said present time is below said second angle, or whether its angle at said present time is below said first angle*, as set forth in independent claim 22. For example, the Office Action contends that ROM 111 determines which characters are "enemies", subject to being attacked by the player. Office Action, p. 3. The Office Action further contends that landscape data from ROM 109 determines the placement of enemy characters and, based on their locations, determines whether they are subject to be attacked by the player. Office Action, p. 4. However, the Office Action's contentions are not supported by the disclosure in Sanbongi. For instance, ROM 102 merely stores predetermined programs, etc. Sanbongi, Col. 5, lines 66-67. ROM 109 is a topographical data ROM that stores landscape data for the camera to move within the virtual space in accordance with the game story. Sanbongi, Col. 7, lines 5-7. ROM 111 stores polygon data with regard to the shapes constituting the screen, such as buildings, walls, halls, interior, landscape, background, characters, etc. Sanbongi, Col. 6, lines 53-58; Col. 7, lines 8-10. The CPU 101 reads the game story proceedings based on the program installed inside ROM 102, the landscape data from ROM 109, or the shape data from ROM 111. Sanbongi, Col. 6, lines 20-24.

Moreover, while the picture processing device of Sanbongi controls the gaze point movement of the virtual camera in corresponding with the angle of deviation between the current position of the character arranged inside the three-dimensional virtual space and the target position to which the character is to move [Sanbongi, Col. 3, lines 3-9], this angle of deviation has nothing to do with *judging each of the enemy characters as to whether or not it is a selectable candidate object*. Nothing in the cited material or any other portion of Sanbongi teaches that each of the enemy characters is judged as to whether or not it is a selectable candidate object based upon its angle, as suggested in the Office Action. To the contrary, although the number of enemy characters allowed to attack the player may be limited in accordance with the difficulty grade of the game

17

scene, it appears that each of the enemy characters is selectable by the player, regardless of its angle from the player. Thus, it does not appear that the enemy characters are judged as to whether they are selectable candidate objects at all.

Moreover, the judging step of independent claim 22 is *based upon a content of said memory and whether its angle before said predetermined time is below said first angle and additionally its angle at said present time is below said second angle, or whether its angle at said present time is below said first angle*, which Sanbongi fails to teach. As explained in the specification of the present application, a candidate whose angle α is below ang1 is qualified for the selection, and a candidate whose angle α is not below ang1 is not qualified for the selection. However, as shown in FIG. 9, among the candidates whose angles are in the range of above ang1 but below ang2 (>ang1), those whose angles were below ang1 before a prescribed period of time are qualified to be selected, and the others whose angles were not below ang1 are not qualified to be selected. Present application, p. 22, line 25 – p. 23, line 8; Figure 9.

As shown in the annotated copy of FIG. 9, reproduced below, a candidate whose angle is in the range of above ang1 but below ang2 (>ang1), and whose angle was below ang1 before a prescribed period of time, is encircled for purposes of explanation. The encircled candidate is qualified for the selection.

Sanbongi, on the other hand, merely discloses that the area where the shooting is performed is classified into three zones, including an attacking zone, a waiting zone, and an appearing zone.

For at least these reasons, Applicants assert that Sanbongi fails to teach that a control program, when executed by a computer, causes a computer to *judge each of said plurality of characters as to whether or not it is a selectable candidate object based upon a content of said memory and whether its angle before said predetermined time is below said first angle and additionally its angle at said present time is below said second angle, or whether its angle at said present time is below said first angle,* as set forth in claim 22.

The Office Action relies upon Figure 7 of Sanbongi to allegedly teach that a control program, when executed by a computer, causes a computer to *decide an order of selecting those of said judged plurality of selectable candidate objects based upon those angles at said present time of said plurality of selectable candidate objects,* as set forth in independent claim 22. For example, the Office Action contends that when enemy characters are within an angle of 180 degrees of the player and in the attacking zone, they are subject to be attacked. Office Action, p. 4. However, nothing in Sanbongi teaches deciding an order of selecting the enemy characters, much less deciding an order of selecting those of the judged selectable candidate objects based upon angles, as suggested in the Office Action. To the contrary, it appears that each of the enemy characters in Sanbongi may be attacked by the player in any order.

For at least these reasons, Applicants assert that Sanbongi fails to teach that a control program, when executed by a computer, causes a computer to *decide an order of selecting those of said judged plurality of selectable candidate objects based upon those angles at said present time of said plurality of selectable candidate objects,* as set forth in claim 22.

Applicants therefore assert that independent claim 22 is distinguishable over Sanbongi. Furthermore, claims 24, 26, and 28, all of which depend from independent claim 22, are also

distinguishable over Sanbongi for at least the same reasons as those set forth above with respect to independent claim 22, and further in view of their own respective features.

Applicants assert that independent claim 31 and claims 32 and 33, which depend from independent claim 31, are also distinguishable over Sanbongi for at least reasons similar to those set forth above with respect to independent claim 21, and further in view of their own respective features. Moreover, independent claim 34 is also distinguishable over Sanbongi for at least reasons similar to those set forth above with respect to independent claim 22, and further in view of its own features.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 and that all pending claims be passed to allowance.

Request for In-Person Interview

Applicants respectfully request that an in-person interview be held between the Examiner and the Applicants' representative to further prosecution. It is hereby requested that the Examiner contact the Applicants' representative, Bryan S. Wade, at (202) 420-3307 to schedule the in-person interview at the earliest possible time.

In view of the above, Applicants believe the pending application is in condition for allowance.

Dated: 3-24-08

Respectfully submitted,

By _____ #41,198

Thomas J. D'Amico
   Registration No.: 28,371
Bryan S. Wade
   Registration No.: 58,228
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403
(202) 420-2200
Attorneys for Applicants

APPENDIX

Replacement Drawing (including FIG. 5)